



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

10711 Burnet Road, Suite 200

Austin, Texas 78758

(512) 490-0057

July 16, 2002

Stacey Benningfield

Texas Department of Transportation

Texas Turnpike Authority Division

1421 Wells Branch Parkway, Bldg. 1, Suite 107

Pflugerville, Texas 78660

2-15-97-F-416

Dear Ms. Benningfield:

On May 1, 2001, our office issued a final biological opinion (BO) for the proposed US 183A project in Williamson County, Texas, completing interagency consultation under Section 7 of the Endangered Species Act. As part of the project description the Texas Turnpike Authority (TTA) committed to contribute to a conservation fund for the federally endangered golden-cheeked warbler to minimize the impacts of the project on the habitat of the species. The Service confirmed this project feature in a reasonable and prudent measure in the BO. The amount of the contribution (\$1,080,225) was determined based on analysis of the area and quality of warbler habitat to be impacted from the proposed project. This analysis resulted in a total of 144.03 acres for conservation. The amount of acres was subsequently modified to 152.74 (\$1,145,550) upon request by the Federal Highway Administration on October 30, 2001. Our office concurred by letter on November 6, 2001.

At the time of the BO, there were limited options for conservation funds for the warbler. On December 10, 2001, we provided a copy of the Golden-cheeked Warbler Conservation Fund Letter of Agreement between U.S. Fish and Wildlife Service (Service) and the Trust for Public Land (TPL) recommending that the contribution required in the BO be made to TPL. While payment to TPL is still a valid option, since conclusion of our consultation, the Hickory Pass Ranch Conservation Bank has been established for the warbler, providing another option for warbler conservation. We want to clarify that while the proposed action and BO specifies a dollar amount, the goal is for the conservation of the targeted acreage of warbler habitat (152.74 acres). For purposes of the mitigation bank, each acre would be equivalent to a credit purchased. The Service is open to other options for accomplishing this goal of preservation and management (for the life of the project) of golden-cheeked warbler habitat as part of the US 183A project, such as direct purchase and management of appropriate habitat. If TTA decides on an alternative process to that originally specified in the BO, we request that you provide a proposal to us for review and concurrence to ensure consistency with the intent of the BO.

Thank you for your continued work for the conservation of listed species. Please contact Nathan Allan at 512/490-0057 for additional assistance.

Sincerely,

William Seawell  
Acting Field Supervisor

cc :

Mr. Brett Jackson, Federal Highway Administration, Austin  
Ms. Valarie Bristol, Trust for Public Land, Austin  
Mr. David Johnston, Hickory Pass Ranch Conservation Bank

S:\Nathan\Nathan's Docs\TTA - North Austin\US 183A\BO\letter to fix BO July 02.wpd

Mr. Brett Jackson, P.E.  
Federal Highway Administration  
Federal Building, Room 826  
300 East 8<sup>th</sup> Street  
Austin, TX 78701

Ms. Valarie Bristol  
Trust for Public Land  
815 Brazos St. #400  
Austin, TX 78701

David Johnston  
Hickory Pass Ranch Conservation Bank  
1803 Brookhaven Drive  
Austin, Texas 78704